



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



Date: January 5, 2015

To: Thomas J. Bonfield, City Manager

Through: Keith Chadwell, Deputy City Manager

From: Steven L. Medlin, AICP, City-County Planning Director

Subject: Expedited Hearing Request for Southside East Phases 2 & 3 (Zoning Case Z1400024)

Summary. The applicant for zoning map change case Z1400024 (Southside East Phases 2 & 3) has requested that an expedited hearing be granted, due to a May 2015 deadline for tax credit financing that requires all zoning approvals to be in place. The applicant is requesting a change in zoning from PDR 5.120 (Planned Development Residential 5.120) to RU-M(D) (Residential Urban – Multifamily with a development plan). The development plan submitted with this request proposes a maximum of 206 residential units.

The request for an expedited hearing meets the requirements of Section 3.5.11.B of the Unified Development Ordinance (UDO). However, the granting of an expedited hearing is solely at the discretion of the City Council. Also, the granting of an expedited hearing in no way obligates the Council to vote in favor of the zoning map change request. In a letter to the Planning Director on September 26, 2014, the applicant formally requests an expedited hearing pursuant to UDO Section 3.5.11.B.4.a.

If granted an expedited hearing, the application cannot be continued by the Planning Commission, and must be scheduled for the first available City Council meeting after the Planning Commission hearing. This application has not yet been scheduled for a Planning Commission public hearing.

Recommendation. Planning staff recommends approval of the request to expedite the hearing of the rezoning case before the City Council.

Background. McCormack Baron Salazar submitted a zoning map change application on October 27, 2014 for approximately 11 acres of land with the Southside East development, on the east side of South Roxboro Street and north of Piedmont Avenue.

The request is to change the zoning designation from PDR 5.120 to RU-M(D) for up to 206 residential units. This represents a density of 20 units per acre and is consistent with the Future Land Use designation of the *Comprehensive Plan*, which recommends Medium-High Density (8-20 DU/Ac.) for the site. A Traffic Impact Analysis was not required.

The development plan has received one round of review by City staff. Once the plan is clean of all comments, the request will be scheduled for the first available Planning Commission meeting. The Planning Commission has (by ordinance) up to three months to consider items.

On September 26, 2014, the Planning Department received a written request from the applicant McCormack Baron Salazar (see attachment 2) requesting an expedited hearing from the City Council. The stated reason for the request is a May 2015 tax credit financing application deadline of the North Carolina Housing Finance Agency (NCHFA) requiring all zoning approvals to be in place.

Section 3.5.11.B of the Unified Development Ordinance (UDO) authorizes the City Council to expedite the public hearing for zoning map change requests that meet certain criteria. One of the criteria is that a local, state, or federal application deadline for funding necessitates expedited consideration. Additionally, an expedited request shall not be granted if a Comprehensive Plan Amendment or Traffic Impact Analysis is required in association with the zoning map change application. The UDO also requires that the City Council public hearing for the zoning change be at least 30 days from the granting of the expedited hearing. If granted an expedited hearing, the Planning Commission is only given one meeting, and must be scheduled for the first available City Council meeting after the Planning Commission hearing.

Issues. Should the expedited hearing be granted, the request could be scheduled for a Planning Commission public hearing as late as April 2015 and still allow the applicant to meet the stated May 2015 NCHFA application deadline

Fiscal Impact. None.

SDBE Impact. None.

Attachments

Attachment 1, Context Map

Attachment 2, Applicant's Expedited Hearing Request

Attachment 3, Resolution